

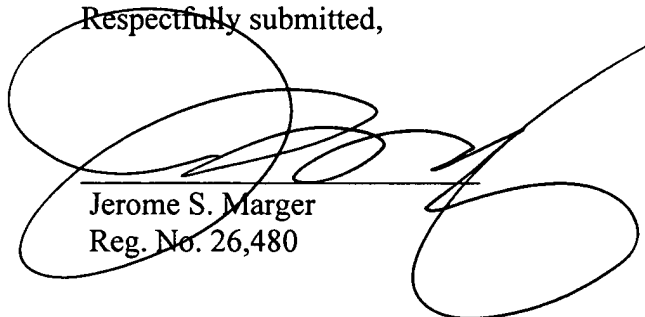
of the pending claims was made at least by a date earlier than the effective date of the Gregory et al reference. The parties making the Declaration are Dr. Kenton Gregory and Mr. Andrew Barofsky, the co-inventors of the above referenced application. Dr. Gregory is also one of the co-inventors of the PCT publication which is in fact the Gregory et al reference. This Declaration overcomes the Gregory et al reference and renders moot all rejections based thereon.

Also enclosed herein is a Declaration under 37 C.F.R. 1.132. The party making the Declaration is Dr. Kenton Gregory, one of the co-inventors of the above referenced application. Dr. Gregory is a cardiologist and the Director of the Oregon Medical Laser Center. The Gregory Declaration is provided to distinguish the teachings of the Raboud et al patent (U.S. 5,223,420) from the pending claims of the present invention.

The Examiner has indicated that the Declaration is defective, and that a new Declaration in compliance with 37 CFR 1.67(a) is required. Applicants will provide such an Declaration to the Examiner under separate cover by the end of this month.

In light of the above arguments and amendments to the claims, it is requested that the Examiner reconsider his rejections and pass this case to issue.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'J. Marger', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

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